

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,
vs.

PHILLIP BIG LEGGINS,

Defendant.

CR-04-112-GF-BMM

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on August 24, 2023. (Doc. 61.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on August 22, 2023. (Doc. 57.) The United States accused Phillip Big Leggins, (Big Leggins) of violating his conditions of supervised release by failing to report to the United States Probation Office within 72 hours of his release from prison. (Doc. 53.)

At the revocation hearing, Big Leggins admitted to having violated the conditions of his supervised release by failing to report to the United States Probation Office within 72 hours of his release from prison. (Doc. 57.) Judge Johnston found that the violation Big Leggins admitted proves serious and warrants revocation of his supervised release and recommends a sentence until October 11, 2023, with 45 months of supervised release to follow, with the first 180 days of his supervised release at the Alpha House. (Doc. 61.) Big Leggins was advised appeal rights and his right to allocute before the undersigned. (Doc. 57.) The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 61) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Phillip Big Leggins be sentenced to the Bureau of Prison until October 11, 2023 with 45 months of supervised release to follow, with the first 180 days of his supervised release at the Alpha House. Big Leggins will be transported from the Cascade County Detention Center to the Yellowstone County Detention Center when he completes his term of custody, so he can begin his term of supervised release at the Alpha House residential re-entry center in Billings, Montana. The Court will entertain a motion to terminate supervised release if Big Leggins successfully completes his 180-day term at the Alpha House.

DATED this 11th day of September, 2023.

A handwritten signature in blue ink that reads "Brian Morris".

Brian Morris, Chief District Judge
United States District Court